

1 HOUSE BILL NO. 1895

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee for Courts of Justice

4 on _____)

5 (Patron Prior to Substitute--Delegate Filler-Corn)

6 A BILL to amend and reenact § 40.1-28.01 of the Code of Virginia, relating to nondisclosure or
7 confidentiality agreement; nondisparagement provisions; claims of sexual harassment.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 40.1-28.01 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 40.1-28.01. Nondisclosure or confidentiality agreement; provisions regarding sexual assault**
11 **or sexual harassment; condition of employment.**

12 A. No employer shall require an employee or a prospective employee to execute or renew any
13 provision in a nondisclosure or confidentiality agreement, including any provision relating to
14 nondisparagement, that has the purpose or effect of concealing the details relating to a claim of sexual
15 assault pursuant to § 18.2-61, 18.2-67.1, 18.2-67.3, or 18.2-67.4 or a claim of sexual harassment as defined
16 in § 30-129.4 as a condition of employment. Any such provision is against public policy and is void and
17 unenforceable.

18 B. This section shall in no way limit other grounds that exist at law or in equity for the
19 unenforceability of any such agreement or any provision of such agreement.

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